

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY N. CARTER,

No. C 09-01863 CW (PR)

Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

SAN FRANCISCO COUNTY JAIL
SHERIFF,

Defendants.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. He also filed a prisoner in forma pauperis application.

In an Order dated September 10, 2009, the Court noted that Plaintiff was no longer in custody at the San Francisco County Jail because his address on record was 27 Westbrook Court, San Francisco, California 94124. The Court informed Plaintiff that his action could not go forward until he paid the filing fee or filed a completed non-prisoner in forma pauperis application within thirty days. Otherwise, his action would be dismissed.

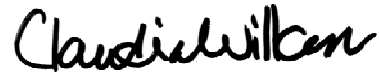
On October 20, 2009, Clerk's office staff was informed that Plaintiff was back in custody at the San Francisco County Jail.

1 In an Order dated October 30, 2009, Plaintiff's original
2 prisoner in forma pauperis application was DENIED without
3 prejudice, and he was ordered to file a new prisoner IFP
4 application because he was back in custody. The Court informed him
5 that his action could not go forward until he answered all
6 questions in the prisoner in forma pauperis application within
7 thirty days, and that his failure to do so would result in
8 dismissal of this action. More than thirty days have passed and
9 Plaintiff has not submitted a completed prisoner in forma pauperis
10 application.

11 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The
12 Clerk of the Court shall close the file.

13 IT IS SO ORDERED.

14 Dated: 12/29/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GREGORY N CARTER,

Plaintiff,

v.

SAN FRANCISCO COUNTY JAIL SHERIFF
et al,

Defendant.

Case Number: CV09-01863 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 29, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gregory N. Carter
F-14733
SF County Jail #2365597
27 Westbrook Ct.
San Francisco, CA 94124

Dated: December 29, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California